

40 C.F.R. Part 233, Subpart E – Compliance and Enforcement

✓	Citation	Description	Corresponding State Authority Citation	Language of State Authority/Description*	Comments on State authority
	40 CFR 233.40	State shall maintain program designed to identify persons who have violated law in the past. Director and State officers shall have authority to enter site in order to copy records, inspect, monitor, or investigate compliance, and shall conduct these inspections in a manner that will produce evidence admissible in an enforcement proceeding. State shall also maintain a program for receiving and ensuring consideration of publicly submitted information about violations	373.129, F.S. – Maintenance of actions	<p><i>The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.103.html" ](8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:</i></p> <p><i>(1) To enforce rules, regulations, and orders adopted or issued pursuant to this law.</i></p> <p><i>(2) To enjoin or abate violations of the provisions of this law or rules, regulations, and orders adopted pursuant hereto.</i></p> <p><i>(3) To protect and preserve the water resources of the state.</i></p> <p><i>(4) To defend all actions and proceedings involving its powers and duties pertaining to the water resources of the state.</i></p> <p><i>(5) To recover a civil penalty for each offense in an amount not to exceed \$10,000 per offense. Each date during which such violation occurs constitutes a separate offense. (a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained and used exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0376/Sections/0376.307.html" ]. (b) A local government that is delegated authority pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.103.html" ](8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding the provisions of paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated with surface water management, or other purposes consistent with the requirements of this chapter for the management and storage of surface water.</i></p> <p><i>(6) To recover investigative costs, court costs, and reasonable attorney fees.</i></p> <p><i>(7) Enforce the provisions of part IV of this chapter in the same manner and to the same extent as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.430.html" ], [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.121.html" ](1) and (2), [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.131.html" ], [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.141.html" ], and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.161.html" ].</i></p> <p><i>(8) In conflicts arising where a water management district is a party to litigation against another governmental entity, as defined in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0100-0199/0164/Sections/0164.1031.html" ], a district has an affirmative duty to engage in alternative dispute resolution in good faith as required by chapter 164.</i></p>	The state has the authority to enter the site. We have a compliance database that identifies past violators. The state also has a compliance assurance program and regularly receives, logs, and investigates publicly submitted information on violations. State law and procedures/programs meet the federal requirements.
			373.430, F.S. – Prohibitions, violation, penalty, intent	<p><i>(1) It shall be a violation of this part, and it shall be prohibited for any person: (a) To cause pollution, as defined in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.031.html" ](7), except as otherwise provided in this part, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property. (b) To fail to obtain any permit required by this part or by rule or regulation adopted pursuant thereto, or to violate or fail to comply with any rule, regulation, order, or permit adopted or issued by a water management district, the department, or local government pursuant to their lawful authority under this part. (c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this part, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this part or by any permit, rule, regulation, or order issued under this part.</i></p> <p><i>(2) Whoever commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.129.html" ].</i></p>	

40 C.F.R. Part 233, Subpart E – Compliance and Enforcement

✓	Citation	Description	Corresponding State Authority Citation	Language of State Authority/Description*	Comments on State authority
				<p>(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ](3)(e) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ](1)(g), by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.</p> <p>(4) Any person who commits a violation specified in paragraph (1)(a) due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ](4)(b) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ](1)(g), by a fine of not more than \$5,000 or 60 days in jail, or by both, for each offense.</p> <p>(5) Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ](4)(a) and[ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ](1)(g), by a fine of not more than \$10,000 or by 6 months in jail, or by both, for each offense.</p> <p>(6) It is the intent of the Legislature that the civil penalties imposed by the court be of such amount as to ensure immediate and continued compliance with this section.</p> <p>(7) All moneys recovered under the provisions of this section shall be allocated to the use of the water management district, the department, or the local government, whichever undertook and maintained the enforcement action. All monetary penalties and damages recovered by the department or the state under the provisions of this section shall be deposited into the Water Quality Assurance Trust Fund. All monetary penalties and damages recovered pursuant to this section by a water management district shall be retained and used exclusively within the territory of the water management district which collected the money. All monetary penalties and damages recovered pursuant to this subsection by a local government to which authority has been delegated pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.103.html" ](8) shall be used to enhance surface water improvement or pollution control activities.</p>	
			403.121, F.S.	Enforcement; procedure; remedies (see statute)	
			62-4.160(7), F.A.C. – Permit Conditions	<p>(7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to: (a) Have access to and copy any records that must be kept under conditions of the permit; (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.</p>	
			62-330.302(2), F.S. – Additional Conditions for Issuance of Individual and Conceptual Approved Permits	<p>(2) When determining whether an applicant has provided reasonable assurances that the permitting standards of this chapter will be met, the Agency shall consider the applicant’s violation of any rules adopted pursuant to Sections 403.91 through 403.929, F.S. (1984 Supp.), as amended, or Part IV, Chapter 373, F.S., and efforts taken by the applicant to resolve these violations.</p>	
			AH I, section 1.7 – Permission to Inspect, Monitor and Sample	<p>Each application must include permission signed by the landowner, easement or lessee holder, or their legal designee that Agency staff may access the property where the proposed activity is located for purposes of inspecting, sampling, and monitoring the land subject to the application to determine whether the activity can meet (and if a permit is issued, is meeting) permitting criteria and permit conditions. If this is not possible, the applicant must supply the Agency with written authorization through other means (such as obtaining permission from leases and easement holders) for staff to enter onto, inspect, and conduct sampling of the site. This is necessary to prevent claims of trespass, and to ensure the applicant, and potential permittee, has approval from the entity that has sufficient real property interest over the land subject to the application to construct, alter, operate, and maintain, or remove, the project.</p>	

40 C.F.R. Part 233, Subpart E – Compliance and Enforcement

✓	Citation	Description	Corresponding State Authority Citation	Language of State Authority/Description*	Comments on State authority
				<i>In the case of an easement, the easement must specifically provide for the right of governmental entities to be on the lands subject to the easement for such purposes as compliance, or such right must flow through necessity from the explicit grant of the easement.</i> <i>Each permit is subject to the condition that Agency authorized staff, upon proper identification, will have permission to enter, inspect and observe, and collect samples of the activity to ensure compliance with the approved plans and specifications included in the permit. See Part 4 of Form 62-330.060(1) for additional information.</i>	
	40 CFR 233.41	State shall have authority to restrain, sue to enjoin any threatened or continuing violation, and assess or sue to recover civil penalties and seek criminal remedies.	Chapter 120, F.S.  373.129, F.S. – Maintenance of actions	Florida Administrative Procedure Act (see statute)  <i>The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.103.html" ](8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:</i> <i>(1) To enforce rules, regulations, and orders adopted or issued pursuant to this law.</i> <i>(2) To enjoin or abate violations of the provisions of this law or rules, regulations, and orders adopted pursuant hereto.</i> <i>(3) To protect and preserve the water resources of the state.</i> <i>(4) To defend all actions and proceedings involving its powers and duties pertaining to the water resources of the state.</i> <i>(5) To recover a civil penalty for each offense in an amount not to exceed \$10,000 per offense. Each date during which such violation occurs constitutes a separate offense. (a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained and used exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0376/Sections/0376.307.html" ]. (b) A local government that is delegated authority pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.103.html" ](8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding the provisions of paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated with surface water management, or other purposes consistent with the requirements of this chapter for the management and storage of surface water.</i> <i>(6) To recover investigative costs, court costs, and reasonable attorney fees.</i> <i>(7) Enforce the provisions of part IV of this chapter in the same manner and to the same extent as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.430.html" ], [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.121.html" ](1) and (2), [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.131.html" ], [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.141.html" ], and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.161.html" ].</i> <i>(8) In conflicts arising where a water management district is a party to litigation against another governmental entity, as defined in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0100-0199/0164/Sections/0164.1031.html" ], a district has an affirmative duty to engage in alternative dispute resolution in good faith as required by chapter 164.</i>	The state has the authority to restrain, sue to enjoin, and assess or sue to recover civil penalties and criminal remedies. There is a specific penalty per violation which depends upon certain factors, and there is a separate per day penalty. This structure does allow us to assess an equivalent or greater penalty. The state has a greater range of penalties at its discretion and can meet or exceed the federal penalty amounts.
			373.430, F.S. – Prohibitions, violation, penalty, intent	<i>(1) It shall be a violation of this part, and it shall be prohibited for any person: (a) To cause pollution, as defined in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.031.html" ](7), except as otherwise provided in this part, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property. (b) To fail to obtain any permit required by this part or by rule or regulation adopted pursuant thereto, or to violate or fail to comply with any rule, regulation, order, or permit adopted or issued by a</i>	

40 C.F.R. Part 233, Subpart E – Compliance and Enforcement

✓	Citation	Description	Corresponding State Authority Citation	Language of State Authority/Description*	Comments on State authority
				<p>water management district, the department, or local government pursuant to their lawful authority under this part. (c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this part, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this part or by any permit, rule, regulation, or order issued under this part. (2) Whoever commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.129.html" ].</p> <p>(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ] (3)(e) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ] (1)(g), by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.</p> <p>(4) Any person who commits a violation specified in paragraph (1)(a) due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ] (4)(b) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ] (1)(g), by a fine of not more than \$5,000 or 60 days in jail, or by both, for each offense.</p> <p>(5) Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ] (4)(a) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ] (1)(g), by a fine of not more than \$10,000 or by 6 months in jail, or by both, for each offense.</p> <p>(6) It is the intent of the Legislature that the civil penalties imposed by the court be of such amount as to ensure immediate and continued compliance with this section.</p> <p>(7) All moneys recovered under the provisions of this section shall be allocated to the use of the water management district, the department, or the local government, whichever undertook and maintained the enforcement action. All monetary penalties and damages recovered by the department or the state under the provisions of this section shall be deposited into the Water Quality Assurance Trust Fund. All monetary penalties and damages recovered pursuant to this section by a water management district shall be retained and used exclusively within the territory of the water management district which collected the money. All monetary penalties and damages recovered pursuant to this subsection by a local government to which authority has been delegated pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0300-0399/0373/Sections/0373.103.html" ] (8) shall be used to enhance surface water improvement or pollution control activities.</p>	
			379.3311, F.S. – Police powers of commission and its agents	<p>(1) The commission, the executive director and the executive director’s assistants designated by her or him, and each commission officer are constituted peace officers with the power to make arrests for violations of the laws of this state when committed in the presence of the officer or when committed on lands under the supervision and management of the commission, the department, the Board of Trustees of the Internal Improvement Trust Fund, or the Department of Agriculture and Consumer Services, including state parks, coastal and aquatic managed areas, and greenways and trails. The general laws applicable to arrests by peace officers of this state shall also be applicable to such director, assistants, and commission officers. Such persons may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass.</p> <p>(2) Such officers may enforce throughout the state all laws relating to game, nongame birds, fish, and fur-bearing animals and all rules and regulations of the commission relating to wild animal life, marine life, and freshwater aquatic life, and in connection with such laws, rules, and regulations, in the enforcement thereof and in the performance of their duties thereunder, to: (a) Go upon all premises, posted or otherwise; (b) Execute warrants and search warrants for the violation of such laws; (c) Serve subpoenas issued for the examination, investigation, and trial of all offenses against such laws; (d) Carry firearms or other weapons, concealed or otherwise, in the performance of their duties; (e) Arrest upon probable cause without warrant any person found in the act of violating any such laws or, in pursuit immediately following such violations, to examine any person,</p>	

40 C.F.R. Part 233, Subpart E – Compliance and Enforcement

✓	Citation	Description	Corresponding State Authority Citation	Language of State Authority/Description*	Comments on State authority
				<i>boat, conveyance, vehicle, game bag, game coat, or other receptacle for wild animal life, marine life, or freshwater aquatic life, or any camp, tent, cabin, or roster, in the presence of any person stopping at or belonging to such camp, tent, cabin, or roster, when such officer has reason to believe, and has exhibited her or his authority and stated to the suspected person in charge the officer's reason for believing, that any of the aforesaid laws have been violated at such camp; (f) Secure and execute search warrants and in pursuance thereof to enter any building, enclosure, or car and to break open, when found necessary, any apartment, chest, locker, box, trunk, crate, basket, bag, package, or container and examine the contents thereof; (g) Seize and take possession of all wild animal life, marine life, or freshwater aquatic life taken or in possession or under control of, or shipped or about to be shipped by, any person at any time in any manner contrary to such laws.</i> <i>(3) It is unlawful for any person to resist an arrest authorized by this section or in any manner to interfere, either by abetting, assisting such resistance, or otherwise interfering with such executive director, assistants, or commission officers while engaged in the performance of the duties imposed upon them by law or regulation of the commission, the department, the Board of Trustees of the Internal Improvement Trust Fund, or the Department of Agriculture and Consumer Services.</i> <i>(4) Upon final disposition of any alleged offense for which a citation for any violation of this chapter or the rules of the commission has been issued, the court shall, within 10 days after the final disposition of the action, certify the disposition to the commission.</i>	
			379.3313, F.S. – Powers of commission law enforcement officers	<i>(1) Law enforcement officers of the commission are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state and the rules of the commission, the department, the Board of Trustees of the Internal Improvement Trust Fund, and the Department of Agriculture and Consumer Services under their jurisdiction. The general laws applicable to arrests by peace officers of this state shall also be applicable to law enforcement officers of the commission. Such law enforcement officers may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry will not constitute a trespass. It is lawful for any boat, motor vehicle, or aircraft owned or chartered by the commission or its agents or employees to land on and depart from any of the beaches or waters of the state. Such law enforcement officers have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products. Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Such law enforcement officers may at any time seize or take possession of any saltwater products or contraband which have been unlawfully caught, taken, or processed or which are unlawfully possessed or transported in violation of any of the laws of this state or any rule of the commission. Such law enforcement officers may arrest any person in the act of violating this law, the rules of the commission, or any of the laws of this state. It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the commission.</i> <i>(2) The Legislature finds that the checking and inspection of saltwater products aboard vessels is critical to good fishery management and conservation and that, because almost all saltwater products are either iced or cooled in closed areas or containers, the enforcement of seasons, size limits, and bag limits can only be effective when inspection of saltwater products so stored is immediate and routine. Therefore, in addition to the authority granted in subsection (1), a law enforcement officer of the commission who has probable cause to believe that the vessel has been used for fishing prior to the inspection shall have full authority to open and inspect all containers or areas where saltwater products are normally kept aboard vessels while such vessels are on the water, such as refrigerated or iced locations, coolers, fish boxes, and bait wells, but specifically excluding such containers that are located in sleeping or living areas of the vessel.</i>	
			403.061(8), F.S. – Department; powers and duties	<i>The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to: (8) Issue such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings.</i>	
			403.121, F.S.	Enforcement; procedure; remedies (see statute)	
			403.161, F.S. – Prohibitions, violation, penalty, intent	<i>(1) It shall be a violation of this chapter, and it shall be prohibited for any person: (a) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property. (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority. (c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method</i>	



40 C.F.R. Part 233, Subpart E – Compliance and Enforcement

✓	Citation	Description	Corresponding State Authority Citation	Language of State Authority/Description*	Comments on State authority
				<p><i>required to be maintained under this chapter or by any permit, rule, regulation, or order issued under this chapter. (d) For any person who owns or operates a facility to fail to report to the representative of the department, as established by department rule, within one working day of discovery of a release of hazardous substances from the facility if the owner or operator is required to report the release to the United States Environmental Protection Agency in accordance with 42 U.S.C. s. 9603. (e) To fail to provide required notice pursuant to s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.077.html" ].</i></p> <p><i>(2) Whoever commits a violation specified in subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0403/Sections/0403.141.html" ].</i></p> <p><i>(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ](3)(e) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ](1)(g) by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.</i></p> <p><i>(4) Any person who commits a violation specified in paragraph (1)(a) due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ](4)(b) and [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ](1)(g) by a fine of not more than \$5,000 or by 60 days in jail, or by both, for each offense.</i></p> <p><i>(5) Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree punishable as provided in ss. [ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.082.html" ](4)(a) and[ HYPERLINK "http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0700-0799/0775/Sections/0775.083.html" ](1)(g) by a fine of not more than \$10,000 or by 6 months in jail, or by both for each offense.</i></p> <p><i>(6) It is the legislative intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance with this section.</i></p>	
			403.412, F.S.	Environmental Protection Act (see statute)	